



**Department of Energy**  
Washington, DC 20585

Austin Evers  
American Oversight  
1030 15th Street N.W., Suite B255  
Washington, D.C. 20005

**JUN 13 2019**

Via email: [foia@americanoversight.org](mailto:foia@americanoversight.org)

Re: HQ-2019-00569-F

Dear Mr. Evers:

This is the final response to the request for information that you sent to the Department of Energy (DOE) under the Freedom of Information Act (FOIA), 5 U.S.C. § 552. You requested:

“All records reflecting communications (including email messages, email attachments, calendar invitations or entries) with any of the following individuals or organizations:

- a. Derek Harvey, including but not limited to the email addresses [derek.j.harvey@nsc.eop.gov](mailto:derek.j.harvey@nsc.eop.gov) and [derek.harvey@mail.house.gov](mailto:derek.harvey@mail.house.gov)
- b. K.T. McFarland, including but not limited to the email address [k.t.mcfarland@nsc.eop.gov](mailto:k.t.mcfarland@nsc.eop.gov)
- c. Michael Flynn, including but not limited to the email address [Michael.t.flynn@nsc.eop.gov](mailto:Michael.t.flynn@nsc.eop.gov)

American Oversight requests that the DOE search the files of the following custodians for records responsive to this request:

- i. The immediate Office of the Secretary:
  - a. Secretary Rick Perry and anyone corresponding on his behalf, such as executive assistants or schedulers; and
  - b. Any Chiefs of Staff and Deputy Chiefs of Staff, including anyone serving in these roles in an acting capacity.
- ii. The immediate Office of the Deputy Secretary of Energy:
  - a. Deputy Secretary Dan Brouillette and anyone corresponding on his behalf, such as executive assistants or schedulers; and
  - b. Any Chiefs of Staff and Deputy Chiefs of Staff, including anyone serving in these roles in an acting capacity.
- iii. The immediate Office of the General Counsel:
  - a. Acting General Counsel, Theodore J. Garrish;
  - b. Deputy General Counsel, Eric J. Fygi;
  - c. Deputy General Counsel, Energy Policy, Mark Robeck;



- d. Deputy General Counsel, Litigation, Regulation & Enforcement, George H. Fibbe;
  - e. Deputy General Counsel, Transactions, Technology & Contractor Human Resources, John T. Lucas; and
  - f. Deputy General Counsel, Environment & Compliance, G. Michael Brown.
- iv. The immediate Office of the Assistant Secretary for Nuclear Energy:
- a. Anyone serving in the role of Assistant Secretary for Nuclear Energy;
  - b. Principal Deputy Assistant Secretary for Nuclear Energy, Edward McGinnis;
  - c. Associate Deputy Assistant Secretary for International Nuclear Energy Policy and Cooperation, Sarah Lennon;
  - d. Deputy Assistant Secretary for Reactor Fleet and Advanced Reactor Development, Shane Johnson;
  - e. Deputy Assistant Secretary for Nuclear Fuel Cycle and Supply Change, John Herczeg;
  - f. Deputy Assistant Secretary for Nuclear Infrastructure Programs, Tracey Bishop; and
  - g. Acting Deputy Assistant Secretary, Office of Spent Fuel & Waste Disposition, William J. Boyle.

Please provide all responsive records from January 20, 2017, through the date the search is conducted.”

On April 12, 2019, you agreed to amend your request to:

“All emails reflecting communications (waiving email attachments, newsletters, publicly available documents, delivered receipts, read receipts, and calendar invite receipts of acceptance and denial) with any of the following individuals:

- a. Derek Harvey, email addresses [derek.j.harvey@nsc.eop.gov](mailto:derek.j.harvey@nsc.eop.gov) and [derek.harvey@mail.house.gov](mailto:derek.harvey@mail.house.gov)
- b. K.T. McFarland, email address [k.t.mcfarland@nsc.eop.gov](mailto:k.t.mcfarland@nsc.eop.gov)
- c. Michael Flynn, email address [Michael.t.flynn@nsc.eop.gov](mailto:Michael.t.flynn@nsc.eop.gov)

American Oversight requests that the DOE search the files of the following custodians for records responsive to this request:

- i. The immediate Office of the Secretary:
  - a. Secretary Rick Perry, and an assistant communicating on his behalf.
  - b. Chief of Staff Brian McCormack
  - c. Deputy Chief of Staff Daniel Wilmot
- ii. The immediate Office of the Deputy Secretary of Energy:
  - a. Deputy Secretary Dan Brouillette, and an assistant communicating on his behalf.
  - b. Chief of Staff James Colgary

- i. The immediate Office of the General Counsel:
  - a. Acting General Counsel Theodore J. Garrish
  - b. Deputy General Counsel Eric J. Fygi
  - c. Deputy General Counsel, Energy Policy, Mark Robeck
  - d. Deputy General Counsel, Litigation, Regulation & Enforcement, George H. Fibbe
  - e. Deputy General Counsel, Transactions, Technology & Contractor Human Resources, John T. Lucas
  - f. Deputy General Counsel, Environment & Compliance, G. Michael Brown
- ii. The immediate Office of the Assistant Secretary for Nuclear Energy:
  - a. Principal Deputy Assistant Secretary for Nuclear Energy Edward McGinnis
  - b. Associate Deputy Assistant Secretary for International Nuclear Energy Policy and Cooperation Sarah Lennon
  - c. Deputy Assistant Secretary for Reactor Fleet and Advanced Reactor Development Shane Johnson
  - d. Deputy Assistant Secretary for Nuclear Fuel Cycle and Supply Change John Herczeg
  - e. Deputy Assistant Secretary for Nuclear Infrastructure Programs Tracey Bishop
  - f. Acting Deputy Assistant Secretary, Office of Spent Fuel & Waste Disposition William J. Boyle.

Please provide all responsive records from January 20, 2017, through the date the search is conducted.”

Your request was assigned to DOE’s Office of the Executive Secretariat (ES), Office of Management (MA), Office of Nuclear Energy (NE), and Office of the General Counsel (GC) to conduct a search of their files for responsive documents. DOE started its search on April 15, 2019, which is the cutoff date for responsive records. DOE has completed its search but did not locate any documents responsive to your request.

Therefore, pursuant to Title 10, Code of Federal Regulations (C.F.R.), Part 1004.4(d), I am unable to provide any responsive documents from ES, MA, NE and GC. Pursuant to 10 C.F.R. Part 1004.7 (b)(2), I am responsible for the determination that no responsive records exist in ES; MA, NE and GC.

The adequacy of the search may be appealed within 90 calendar days from your receipt of this letter pursuant to 10 C.F.R. § 1004.8. Appeals should be addressed to Director, Office of Hearings and Appeals, HG-1, L’Enfant Plaza, U.S. Department of Energy, 1000 Independence Avenue, S.W., Washington, D.C. 20585-1615. The written appeal, including the envelope, must clearly indicate that a FOIA appeal is being made. You may also submit your appeal to [OHA.filings@hq.doe.gov](mailto:OHA.filings@hq.doe.gov), including the phrase “Freedom of Information Appeal” in the subject line. (This is the method preferred by the Office of the Hearings and Appeals.) The appeal must contain all of the elements required by 10 C.F.R. § 1004.8, including a copy of the determination

letter. Thereafter, judicial review will be available to you in the Federal District Court either: 1) in the district where you reside; 2) where you have your principal place of business; 3) where DOE's records are situated; or 4) in the District of Columbia.

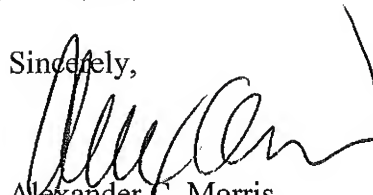
The FOIA provides for the assessment of fees for the processing of requests. *See* 5 U.S.C. § 552(a)(4)(A)(i); *see also* 10 C.F.R. § 1004.9(a). In our March 20, 2019 letter, you were advised that your request was placed in the "other" category for fee purposes. Requesters in this category are provided two free hours of search time and 100 pages at no cost. In that same letter, we informed you that your fee waiver was granted. Thus, no fees will be charged for processing your request.

You may contact DOE's FOIA Public Liaison, Alexander Morris, FOIA Officer, Office of Public Information, at 202-586-5955 or by mail at MA-46/Forrestal Building 1000 Independence Avenue, S.W. Washington, D.C. 20585 for any further assistance and to discuss any aspect of your request. Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, e-mail at [ogis@nara.gov](mailto:ogis@nara.gov); telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

If you have questions about the processing of your request or this letter, please contact Ms. Ayana Crawford or me at MA-46/Forrestal Building, 1000 Independence Avenue, SW, Washington, DC 20585, or at 202-287-6730.

I appreciate the opportunity to assist you in this matter.

Sincerely,



Alexander C. Morris  
FOIA Officer  
Office of Public Information